

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of November, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Foster, Gillette, Helgeson, Johnson, Hutcherson 5

Absent: Dodson, Seiffert 2

// Copies of the minutes of the October 25 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Gillette, Helgeson, Johnson, Hutcherson 5

Noes: 0

Absent: Dodson, Seiffert 2

// In the matter of Fire - General, City Council Report #2 was considered. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-143, as presented, amending the FY 2006 City/Federal/State Aid Projects Fund and appropriating \$15,476, fully reimbursable, to enhance the emergency management program:

Ayes: Foster, Gillette, Helgeson, Johnson, Hutcherson 5

Noes: 0

Absent: Dodson, Seiffert 2

// In the matter of Parks & Recreation - General, City Council Report #3 was considered. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-144, as presented, amending the FY 2006 Capital Projects Fund Budget and appropriating \$38,000, fully reimbursable, to renovate the tennis courts at E. C. Glass High School:

Ayes: Foster, Gillette, Helgeson, Johnson, Hutcherson 5

Noes: 0

Absent: Dodson, Seiffert 2

// In the matter of Public Works - General, City Council Report #4 was considered. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-145, as presented, amending the FY 2006 Capital Projects Fund Budget and appropriating \$179,306, with \$143,000 from the Department of Transportation, to install historic street lights, purchase street furniture, repair sidewalks and uncover and repair the bricks on Cabell Street in the Daniel's Hill Historic District:

Ayes: Foster, Gillette, Helgeson, Johnson, Hutcherson 5

Noes: 0

Absent: Dodson, Seiffert 2

// In an item not on the agenda, Ms. Sue Worsham, representing the United States Tennis Association, presented the City with a check for \$38,000 to augment City capital funding to renovate the tennis courts at E. C. Glass High School.

// Council Member Dodson arrived at 7:39 p.m. during the discussion of Agenda Item #5.

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #5 outlining the petition of Compson Development, L.C., to rezone approximately 1.7 acres located at 108 Melinda Drive and property that is south of Melinda Drive that is located on and fronts Wards Ferry Road, from R-C, Conservation District, and R-4, Medium-High Density Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of commercial entrances, and for a Conditional Use Permit to allow fill in the flood plain of Rock Castle Creek to facilitate the construction of commercial entrances. Mayor Hutcherson read the following statement, "On the advice of my attorney I will abstain from voting on these zoning petitions. In addition to not voting I will also refrain from debating or discussing this matter. However, while I won't vote on or participate in the discussion of these petitions I will continue to perform my duties as Council's presiding officer." City Planner Tom Martin provided a summary regarding the petition. Mr. Tom Comparato, Compson Development, L.C., provided a brief overview regarding the request and asked for approval. Mr. Comparato cited several differences in this petition from the earlier petition, i.e., the agreement between Campbell County and the City that addressed many of the previous issues with regard to the development, and the receipt of a permit from the Army Corps of Engineers and the Virginia Department of Environmental Quality for the work to be performed in the Rock Castle Creek. Mr. Stuart Whitaker, representing the Vista Acres neighborhood, expressed concerns regarding the proposed Wards Crossing West Shopping Center and its affect regarding the property values and safety of the families who live in the neighborhood. Mr. Whitaker asked that the Development Access Road be completed before any phase of the proposed shopping center is allowed to open, that the revenue received via the joint agreement be used for traffic improvements in the vicinity of Wards Crossing West, and that the traffic issues in the Vista Acres neighborhood be addressed prior to the opening of the shopping center in October 2006. Ms. Judith Mazurkiewicz also asked that the traffic issues in the Vista Acres neighborhood be addressed prior to the opening of the shopping center. Mr. Barry White, also representing the Vista Acres neighborhood, expressed concerns regarding the impact of the shopping center on an area that already has heavy traffic congestion and questioned why it was so important for the mall to be built in this area. Mr. Jim Whitaker, who owns a business in this area, voiced support for the earlier suggestion of using the revenue received via the joint agreement for traffic improvements in this area. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, City Manager Kimball Payne stated that the City's Neighborhood Traffic Management Program, which is designed to address traffic issues in neighborhoods, is scheduled to return to City Council at its December 13 meeting for final approval. Mr. Payne went on to say that in the joint agreement there is a commitment from the County to provide \$100,000 for traffic management

improvements in this area. Mr. Payne also explained that the Development Access Road is scheduled to be open within six months from the October 2006 opening of the shopping center. Council Member Helgeson stated that although he could not support the petition, he would support designating the revenue from the joint agreement for traffic improvements in the Wards Ferry Road area. City Manager Payne stated that the revenue was to offset a portion of the cost of providing services related to the shopping center, and that a decision by City Council to designate the revenue from the joint agreement for traffic improvements would not be binding on future City Councils. Mr. Payne did explain that the City needed to do a corridor study on Wards Ferry Road and that maybe those funds could be used to fund the study. Several Council Members commented that the City cannot control development in the County, that the joint City/County agreement is the best solution for the City and the neighborhood in that it will improve the plans for the shopping center and ensure that the City will have part in the master plan for the 200 acres surrounding Wards Crossing West, that the City needed to continue to look for ways to improve the traffic situation on Wards Ferry Road, and that the City needed to move forward with completion of the traffic management program for the neighborhood, preferably before the shopping center opens in October 2006. Following discussion, and on motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #0-05-146, as presented, granting the rezoning petition:

Ayes: Dodson, Foster, Gillette, Johnson	4
Noes: Helgeson	1
Absent: Seiffert	1
Abstention: Hutcherson	1

On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-147, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Johnson	4
Noes: Helgeson	1
Absent: Seiffert	1
Abstention: Hutcherson	1

// In the matter of Community Planning - General, City Council Report #6 was considered. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-05-148, as presented, dedicating a new public street and naming the street "Paradise Lane:"

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Hutcherson	6
Noes:	0
Absent: Seiffert	1

// In the matter of Animals, City Council Report #7 regarding the appointment of Dennis Gene Iverson as a new part-time Animal Warden was considered. City Manager Kimball Payne explained that

the State Code requires that Animal Wardens be appointed by the local governing body. Council Member Helgeson stated that he would abstain since he did not know the individual in question. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-05-149, as presented, appointing Dennis Gene Iverson as a part-time Animal Warden for the City of Lynchburg:

Ayes: Dodson, Foster, Gillette, Johnson, Hutcherson	5
Noes:	0
Absent: Seiffert	1
Abstention: Helgeson	1

// The meeting was recessed at 8:52 P.M. to November 22, at 1:00 P.M., to conduct a work session regarding several items.

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Clerk of Council